

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 16-2017-CA-000265  
DIVISION: CV-H

LESTER BUSBY COURSON, as  
Personal Representative of the Estate of  
ELIJAH HAMMONDS, deceased,

Plaintiff,

vs.

FAMILY SUPPORT SERVICES OF  
NORTH FLORIDA, INC., THE  
CHILDREN'S HOME SOCIETY OF  
FLORIDA and FLORIDA  
DEPARTMENT OF CHILDREN AND  
FAMILIES,

Defendants.

---

**SECOND AMENDED COMPLAINT**

The Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, deceased, by and through the undersigned attorney, sues the Defendants, FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., THE CHILDREN'S HOME SOCIETY OF FLORIDA and FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, and alleges:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. This is an action for damages in excess of \$15,000.0, exclusive of interest and costs.

2. At all times material hereto, the Plaintiff was and is a resident of Jacksonville, Duval County, Florida.

3. At all times material hereto, Defendant, FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC. (hereinafter referred to as "FSSNF"), was and is a Florida corporation doing business in Jacksonville, Duval County, Florida.

4. At all times material hereto, Defendant, THE CHILDREN'S HOME SOCIETY OF FLORIDA, INC. (hereinafter referred to as "CHILDREN'S HOME SOCIETY"), was and is a Florida corporation doing business in Jacksonville, Duval County, Florida.

5. At all times material hereto, Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (hereinafter referred to as "DCF"), was and is a governmental agency of the State of Florida and at all times was operating in Jacksonville, Duval County, Florida.

6. The acts and omissions giving rise to this lawsuit occurred in Jacksonville, Duval County, Florida.

7. All conditions precedent to the filing of this action as contemplated in Fla. Stat. §768/28(6)(a) have occurred or have been waived.

8. In October, 2014, ELIJAH HAMMONDS, a minor child, entered into foster care and was placed in the home of Charlette Simone Strickland, a foster parent.

### **COUNT I**

#### **NEGLIGENCE OF FAMILY SUPPORT SERVICES OF NORTH FLORIDA, LLC**

9. Plaintiff realleges the allegations in paragraphs 1 through 8 above as if fully set forth herein.

10. At all times material hereto and in accordance with § 409.988, Fla. Stat., the State of Florida contracted with Defendant, FFSNF, to run the foster care system in cities and counties throughout Florida, including Duval County, Florida.

11. At all times material hereto, Defendant, FFSNF, was the community-based lead agency for foster care in Duval County, Florida and the licensing agency for foster parents, including Charlette Simone Strickland.

12. At all times material hereto, Defendant, FFSNF, through community-based care, provided services and programs to help prevent child abuse and neglect and to care for children in the foster care system in Jacksonville, Duval County, Florida, including but not limited to ELIJAH HAMMONDS.

13. At all times material hereto, Defendant, FFSNF, subcontracted with Defendant, CHILDREN'S HOME SOCIETY, to be the direct provider of foster care and related services in Jacksonville, Duval County, Florida and in particular with respect to ELIJAH HAMMONDS.

14. At all times material hereto, Defendant, FFSNF, owed ELIJAH HAMMONDS the following duties:

- a. To provide ELIJAH HAMMONDS with all appropriate and necessary services;
- b. To provide ELIJAH HAMMONDS with appropriate living conditions necessary to meet his needs;
- c. To use reasonable care in the oversight and supervision of ELIJAH HAMMONDS to ensure that he was adequately cared for in a safe and appropriate placement;

- d. To comply with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;
- e. To outline a plan of care to handle any and all special management issues identified in ELIJAH HAMMONDS' history;
- f. To continually assess the adequacy and safety of ELIJAH HAMMONDS' living arrangements;
- g. To ensure that case workers make all necessary and appropriate referrals for evaluations and services necessary for the health and safety of ELIJAH HAMMONDS;
- h. To ensure that Defendant, CHILDREN'S HOME SOCIETY, fulfilled all of its contractual obligations with regards to the foster care provided by it to ELIJAH HAMMONDS;
- i. To properly supervise its agents, including but not limited to Defendant, CHILDREN'S HOME SOCIETY; and
- j. To ensure that foster parents licensed by it, including Charlette Simone Strickland, were properly qualified, investigated, evaluated, trained and appropriate to provide care for foster children, including ELIJAH HAMMONDS.

15. Defendant, FSSNF, breached its duties as outlined above and was negligent in its placement, care, evaluation, assessment and services provided to ELIJAH HAMMONDS while he was under the care and control of Defendant, FSSNF by failing to remove ELIJAH HAMMONDS from the home of Charlette Simone Strickland when it knew or should have known that ELIJAH HAMMONDS' health was deteriorating under her care and he was in

imminent danger and that Charlette Simone Strickland was unable to properly provide care and treatment to ELIJAH HAMMONDS.

16. Defendant, FSSNF, further breached its duties as outlined above and was negligent in its licensing of Charlette Simone Strickland as a foster parent by failing to evaluate, investigate and train Charlette Simone Strickland to determine if she was qualified and fit to act as a foster parent to ELIJAH HAMMONDS.

17. As a direct and proximate result of the breach of its duties and negligence of Defendant, FSSNF, ELIJAH HAMMONDS became ill following his placement in the home of Charlette Simone Strickland in October, 2014 ultimately resulting in his death on January 31, 2015.

18. As a direct and proximate result of the negligence of Defendant, FSSNF, the following parties have suffered the following losses:

- a. KELLY COURSON HAMMONDS, as mother and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death; and
- b. CHARLES HAMMONDS, as father and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death.

WHEREFORE, Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, demands judgment for damages against Defendant,

FAMILY SUPPORT SERVICES OF NORTH FLORIDA, INC., in an amount in excess of \$15,000.00, exclusive of costs and interest in this action and further demands trial by jury of all issues so triable.

## **COUNT II**

### **NEGLIGENCE OF THE CHILDREN'S HOME SOCIETY OF FLORIDA**

19. Plaintiff realleges the allegations in paragraphs 1 through 8 and 13 above as if fully set forth herein.

20. At all times material hereto, Defendant, CHILDREN'S HOME SOCIETY, was a subcontractor of Defendant, FSSNF, and was the direct provider of foster care and related services in Jacksonville, Duval County, Florida and in particular with respect to ELIJAH HAMMONDS.

21. At all times material hereto, Defendant, CHILDREN'S HOME SOCIETY, owed ELIJAH HAMMONDS the following duties:

- a. To provide ELIJAH HAMMONDS with all appropriate and necessary services;
- b. To provide ELIJAH HAMMONDS with appropriate living conditions necessary to meet his needs;
- c. To use reasonable care in the oversight and supervision of ELIJAH HAMMONDS to ensure that he was adequately cared for in a safe and appropriate placement;
- d. To comply with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;

- e. To outline a plan of care to handle any and all special management issues identified in ELIJAH HAMMONDS' history;
- f. To continually assess the adequacy and safety of ELIJAH HAMMONDS' living arrangements;
- g. To ensure that case workers make all necessary and appropriate referrals for evaluations and services necessary for the health and safety of ELIJAH HAMMONDS;
- h. To ensure that Defendant, FSSNF, fulfilled all of its contractual obligations with regards to the foster care provided by it to ELIJAH HAMMONDS; and
- i. To properly supervise its agents and employees, including but not limited to foster parent, Charlette Simone Strickland.

22. Defendant, CHILDREN'S HOME SOCIETY, breached its duties as outlined above and was negligent in its care, evaluation, assessment and services provided to ELIJAH HAMMONDS while he was under the care and control of Defendant, CHILDREN'S HOME SOCIETY.

23. Defendant, CHILDREN'S HOME SOCIETY, had the authority to request a change of placement from Defendant, FSSNF, for ELIJAH HAMMONDS at any time and had the ability to remove ELIJAH HAMMONDS from the home of Charlette Simone Strickland if, in their professional judgment, there was an emergent situation and they deemed it necessary and proper and in the best interest of ELIJAH HAMMONDS.

24. Defendant, CHILDREN'S HOME SOCIETY negligently failed to remove ELIJAH HAMMONDS from the home of Charlette Simone Strickland despite evidence of an

emergent situation that endangered the health and welfare of ELIJAH HAMMONDS and further by failing to remove ELIJAH HAMMONDS from the home of Charlette Simone Strickland when it knew or should have known that ELIJAH HAMMONDS' health was deteriorating under her care and he was in imminent danger and that Charlette Simone Strickland was unable to properly provide care and treatment to ELIJAH HAMMONDS.

25. As a direct and proximate result of the breach of its duties and negligence of Defendant, CHILDREN'S HOME SOCIETY, ELIJAH HAMMONDS became ill following his placement in the home of Charlette Simone Strickland in October, 2014 ultimately resulting in his death on January 31, 2015.

26. As a direct and proximate result of the negligence of Defendant, CHILDREN'S HOME SOCIETY, the following parties have suffered the following losses:

- a. KELLY COURSON HAMMONDS, as mother and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death; and
- b. CHARLES HAMMONDS, as father and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death.

WHEREFORE, Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, demands judgment for damages against Defendant,



THE CHILDREN'S HOME SOCIETY OF FLORIDA, in an amount in excess of \$15,000.00, exclusive of costs and interest in this action and further demands trial by jury of all issues so triable.

### **COUNT III**

#### **NEGLIGENCE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES**

27. Plaintiff realleges the allegations in paragraphs 1 through 9 above as if fully set forth herein.

28. At all times material hereto and in accordance with § 409.986 - 997, Fla. Stat., Defendant, DCF contracted with Defendant, FSSNF, to run the foster care system in cities and counties throughout Florida, including Duval County, Florida.

29. At all times material hereto, DCF retained responsibility for the quality of contracted services and programs and had the duty to ensure that services were delivered in accordance with applicable federal and state statutes and regulations.

30. At all times material hereto, Defendant, DCF, had a duty to monitor the delivery of services by lead community-based providers, including but not limited to the monitoring of subcontractors, including Defendants, FSSNF and CHILDREN'S HOME SOCIETY.

31. At all times material hereto, Defendant, DCF, owed ELIJAH HAMMONDS the following duties:

- a. To ensure that Defendants, FSSNF and CHILDREN'S HOME SOCIETY, provided ELIJAH HAMMONDS with all appropriate and necessary services;

- b. To ensure that Defendants, FSSNF and CHILDREN'S HOME SOCIETY, provided ELIJAH HAMMONDS with appropriate living conditions necessary to meet his needs;
- c. To use reasonable care in the oversight and supervision of Defendants, FSSNF and CHILDREN'S HOME SOCIETY, to ensure that ELIJAH HAMMONDS was adequately cared for in a safe and appropriate placement;
- d. To ensure that Defendants, FSSNF and CHILDREN'S HOME SOCIETY, complied with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;
- e. To use reasonable care in the oversight and supervision of Defendants, FSSNF and CHILDREN'S HOME SOCIETY, to ensure that a plan of care existed to handle any and all special management issues identified in ELIJAH HAMMONDS' history;
- f. To ensure that Defendants, FSSNF and CHILDREN'S HOME SOCIETY, fulfilled all of their contractual obligations with regards to the foster care provided by it to ELIJAH HAMMONDS; and
- g. To properly supervise its agents, including but not limited to Defendants, FSSNF and CHILDREN'S HOME SOCIETY.

32. Defendant, DCF, breached its duties as outlined above and was negligent in its placement, care, evaluation, assessment and services provided to ELIJAH HAMMONDS while he was under the care and control of Defendant, DCF by failing to remove ELIJAH HAMMONDS from the home of Charlette Simone Strickland when it knew or should have

known that ELIJAH HAMMONDS' health was deteriorating under her care and he was in imminent danger and that Charlette Simone Strickland was unable to properly provide care and treatment to ELIJAH HAMMONDS.

33. As a direct and proximate result of the breach of its duties and negligence of Defendant, DCF, ELIJAH HAMMONDS became ill following his placement in the home of Charlette Simone Strickland in October, 2014 ultimately resulting in his death on January 31, 2015.

34. As a direct and proximate result of the negligence of Defendant, DCF, the following parties have suffered the following losses:

- a. KELLY COURSON HAMMONDS, as mother and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death; and
- b. CHARLES HAMMONDS, as father and survivor of the Decedent has suffered the future loss of support and services of the Decedent from the date of Decedent's death and has experienced mental pain and suffering from the date of the Decedent's death.

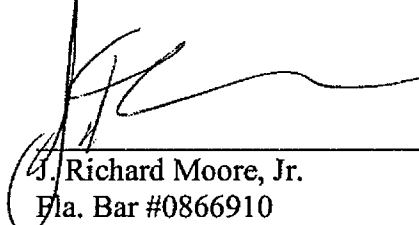
WHEREFORE, Plaintiff, LESTER BUSBY COURSON, as Personal Representative of the Estate of ELIJAH HAMMONDS, demands judgment for damages against Defendant, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, in an amount in excess of \$15,000.00, exclusive of costs and interest in this action and further demands trial by jury of all issues so triable.

**DEMAND FOR JURY TRIAL**

The Plaintiff demands trial by jury of all issues so triable.

I **HEREBY CERTIFY** that on this 12<sup>th</sup> day of December, 2017, I electronically filed the foregoing document with the Clerk of the Court using Florida Court's E-filing Portal and certify that all counsel of record have been served via transmission of Notice of Electronic Filing generated by Florida Court E-Filing Portal or in some other authorized manner for those counsel of parties who are not authorized to receive electronically Notices of Electronic Filing.

**THE LAW OFFICES OF J. RICHARD MOORE, JR.**



J. Richard Moore, Jr.

Fla. Bar #0866910

111 N. Main Street

Jacksonville, FL 32202

**Mailing Address:**

4446-1a Hendricks Avenue, Suite 380

Jacksonville, FL 32207

Telephone: (904) 354-0501

Facsimile: (904) 354-7230

Attorney for Plaintiff

Email: [rmoore@jaxlegalhelp.com](mailto:rmoore@jaxlegalhelp.com)

Email: [kwilliams@jaxlegalhelp.com](mailto:kwilliams@jaxlegalhelp.com)